REMARKS

Claims 1-16 are currently pending in the application as amended. Claim 1 has been amended to correct an informality and to more particularly point out that the stop condition setting means sets predetermined different stop conditions in a plurality of predetermined time periods in one day. Claim 16 has been amended to more particularly point out the step of setting predetermined different stop conditions in a plurality of predetermined time periods in one day. These amendments are at least supported by the original claims, Figs. 1-4 and specification paragraphs [0020], [0021], [0026], [0046], [0049], [0050], [0053] and [0054]. Accordingly, no new matter has been added to the application as a result of the above-described amendments.

Examiner Interview

Initially, Applicants would like to thank the Examiner for his time and insight during the telephonic examiner interview on January 9, 2008. During the interview, the Examiner suggested that language regarding the predetermined nature of the stop conditions in a plurality of time periods during a day might be used to better define over U.S. Patent No. 5,561,330 (Crook). Applicants have incorporated the Examiner's suggestions into the amendments for independent claims 1 and 16. As a result of the amendments, and as described in detail below, Applicants respectfully submit that claims 1 and 16 are patentably distinguished over Crook.

Claim Objections

Claims 1 and 8 have been objected to because of informalities. Specifically, the Examiner states that the phrase "the stop" in line 8 of claim 1 should be –a stop--. Further, the Examiner states that claim 8 has a similar problem. In light of the Examiner's comments, Applicants have amended claim 1 to recite "a stop". However, with respect to the objection to claim 8, Applicants respectfully submit that the above-described amendment to claim 1 corrects the previous informality of claim 8. Specifically, the above-described amendment to claim 1 provides proper antecedent basis for the phrase "the stop" in claim 8.

Applicants respectfully submit that claim 1, as amended, and claim 8 are in compliance with the requirements and requests that the objection to these claims be withdrawn.

Claim Rejections - 35 U.S.C. § 103

1. Claims 1, 5-9, 11 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Application Publication No. 2004-103397 (Akihito). In addition, claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Akihito in view of International Application Publication No. WO 02/29953 (Ueda). These rejections are respectfully traversed for the reasons set forth below.

In the paragraph numbered 4 on page 2 of the Office Action, the Examiner asserts that Applicants cannot rely upon the foreign priority papers of the present application to overcome a rejection based on Akihito because an English translation of the papers has not been made of record at the time of the Office Action. Akihito was published on February 4, 2004. The Japanese priority document of the present application, Japanese Patent Application Publication No. 2003-279837, was filed on July 25, 2003. In light of the Examiner's comments and in accordance with MPEP § 201.15, Applicants are submitting herewith a verified English translation of the Japanese priority document of the present application. Based on this English translation, it is clear that the Japanese priority document supports at least claims 1 and 16 of the present application. Accordingly, it is respectfully submitted that Akihito is removed as prior art from the present application in view of the earlier filing date of Japanese priority document of the present application. Reconsideration and withdrawal of the rejections are respectfully requested.

2. Claims 1, 5, 6, 8, 9, 11, 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueda, using U.S. Patent No. 6,904,337 ("the '337 patent) as an English translation, in view of Crook. The Examiner admits that Ueda fails to disclose the details about how the combination of time and load are determined, which control the stopping. The Examiner relies upon Crook to teach the use of an adjustable time period based on user selection and anticipated load or operator action to control stopping and to teach sensing the load. The Examiner asserts that it would have been obvious to modify Ueda in view of Crook to make the predetermined time adjustable to allow different types of loads to be used with the time of stopping based on the load. The rejection of amended claim 1, claims 5, 6, 8, 9, 11 and 15 depending therefrom, and amended claim 16 is respectfully traversed.

Referring to Fig. 1 of the '337 patent, Ueda discloses a fuel cell body 1 connected to a hydrogen supply means 2, an air supply means 3, and an output control means 4. A second side

connected to a system power 7, a load detection means 8 and power load 9. In operation, an output command device 10 issues an output command to the output control means 4 based on the load detection means 8 detection of the load power of the power load 9 (col. 11, lns. 21-25). Further, a flow rate control device 11 controls the hydrogen supply means 2 and the air supply means 3.

Referring to Fig 3, Crook teaches an automatic electric power generator control that can be adapted to any electric power generating source to control the operation of the generator dependent upon the nature of the load demand (col. 3, lns. 38-40). Specifically, Crook teaches the use of a stop delay timer 75 to delay the stopping of an engine after a load is removed to allow a user to complete operations which he might need to accomplish before he uses power again. A variable time delay control 79 on the stop delay timer 75 allows the user to set the timeout time to suit his own purposes. When the stop delay timer 75 times out, a stop timer 77 is started. If the load is reconnected before timeout is complete, the stop timer 77 is reset to an untriggered condition and power is again pulled from the engine before the engine is allowed to stop (col. 5, lns. 19-30).

Claim 1 of the present application is directed to a power generation system and recites as follows:

> a load power detecting means configured to detect a load power which is supplied from a power source including said power generation portion to a load;
>
> an operation stop determination means configured to stop a power generation operation of said power generation portion based on the load power detected by said load power detecting means and a stop condition; and
>
> a stop condition setting means configured to set a stop condition,
>
> wherein said stop condition setting means sets predetermined different stop conditions in a plurality of predetermined time periods in one day, and
>
> wherein said operation stop determination means stops the power generation operation of said power generation portion based on each of the stop conditions set by said stop condition setting means and the load power detected by said load power detecting means. [Emphasis added]

Claim 16 of the present application is directed to a method of operating a power generation system including a power generation portion configured to generate power; and a load

Claim 16 of the present application is directed to a method of operating a power generation system including a power generation portion configured to generate power; and a load power detecting means configured to detect a load power which is supplied from a power source including said power generation portion to a load and recites as follows:

> setting predetermined different stop conditions in a plurality of predetermined time periods in one day; and
> stopping a power generation operation of said power generation portion based on the different stop conditions and the load power detected by said load power detecting means.
> [Emphasis added]

Even assuming, *arguendo*, that Ueda and Crook are properly combinable, the alleged combination fails to disclose each and every recitation of amended claims 1 and 16. As admitted by the Examiner, Ueda fails to disclose a stop condition setting means that sets predetermined different stop conditions in a plurality of predetermined time periods in one day, as is recited in amended claims 1 and 16. Specifically, as stated by the Examiner, Ueda does not contemplate controlling the stopping of the power generation with a combination of time and load. Crook does not make up for this deficiency. Specifically, Crook teaches a stop delay timer 75 that provides the user the capability of adjusting the delay time (col. 5, lns. 22-25). However, Crook does not teach or even suggest setting different stop conditions that are predetermined, as is recited in amended claims 1 and 16. Further, Crook fails to teach or even suggest setting the different stop conditions in a plurality of predetermined time periods in one day, as is recited in amended claims 1 and 16. Crook suggests that a user may adjust the delay time, but is completely silent as to the time period addressed in the present application.

For all the reasons above, Applicants respectfully submit that the alleged combination of Ueda and Crook fails to disclose each and every element of amended claims 1 and 16. Claims 2-15 depend from claim 1. Thus, claims 1-16 are patentable over the alleged combination of Ueda and Crook, and Applicants respectfully request that the rejections under 35 U.S.C. § 103(a) be withdrawn.

Allowable Subject Matter

Applicants thank the Examiner for the indication that claims 2-4, 10 and 12-14 would be allowable if rewritten into independent form. Claims 2-4, 10 and 12-14 are dependent upon

amended claim 1. Applicants have presented the above-listed arguments directed to the patentability of amended claim 1 in view of the Examiner's current rejection.

CONCLUSION

In view of the foregoing Amendment and remarks, Applicants respectfully submit that the present application, including claims 1-16, as amended, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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Enclosure: verified English translation of Japanese Patent Application Publication No. 2003-279837